

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 13-11640-RWZ

BRIGHAM AND WOMEN'S HOSPITAL, INC. and  
INVESTORS BIO-TECH, L.P.

v.

PERRIGO COMPANY and L. PERRIGO COMPANY

ORDER

August 2, 2017

ZOBEL, S.D.J.

On June 21, 2017, the United States Court of Appeals for the Federal Circuit, by Judge Wallach, held that “[t]here was . . . no final judgment in December 2016; a full accounting of the damages remained outstanding because the issue of enhanced damages had not been resolved.” Docket # 319, at 3. This court, however, resolved the issue of damages in its April 24, 2017 memorandum and order. Docket # 284. Thus, Perrigo’s Motion for Reconsideration of the Court’s May 15, 2017 Order is ALLOWED (Docket # 309). The court hereby vacates its previous judgment (Docket # 227), and enters a separate, final judgment that reflects resolution of liability and damages as detailed in the December 14, 2016 jury verdict and the court’s April 24, 2017 memorandum and order. Docket # 325.

Perrigo’s Motion for Reconsideration of the Court’s April 24, 2017 Order (Docket # 308) and Plaintiffs’ Emergency Motions to Strike Defendants’ Renewed Motions for

Judgment as a Matter of Law and for a Stay of Briefing (Docket # 311) are moot in light of the Federal Circuit's order.

Although Perrigo has 28 days after the entry of the final judgment to file a renewed motion for judgment as a matter of law or joint request for a new trial, see Fed. R. Civ. P. 50(b) and 59(b), it previously submitted renewed motions for judgment as a matter of law shortly after entry of the court's April 24 order. See Docket ## 298, 300, 303, 306. Thus, I will consider these motions and supporting memoranda as timely filed in response to the court's final judgment. Plaintiffs shall submit their memoranda in opposition within 14 days after entry of this order, *i.e.*, August 15, 2017. Any reply briefs of no more than five pages may be filed seven days after plaintiffs have submitted their opposition papers, *i.e.*, August 22, 2017.

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August 2, 2017

DATE

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/s/Rya W. Zobel

RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE